

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 RICHARD MILEWSKI,

4 Plaintiff

Case No. 3:19-cv-00762-MMD-WGC

ORDER

5 v.

6 NEVADA DEPARTMENT OF
7 CORRECTIONS, *et al.*,

8 Defendants

9
10 **I. DISCUSSION**

11 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
12 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1).
13 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed
14 *in forma pauperis*.

15 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
16 application to proceed *in forma pauperis* and attach both an inmate account statement
17 for the past six months and a properly executed financial certificate. The Court will retain
18 Plaintiff’s civil rights complaint (ECF No. 1-1), but will not file it until the matter of the
19 payment of the filing fee is resolved. Plaintiff will be granted an opportunity to file an
20 application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this
21 action. If Plaintiff chooses to file an application to proceed *in forma pauperis* he must file
22 a fully complete application to proceed *in forma pauperis*, including both an inmate
23 account statement for the past six months and a properly executed financial certificate.

24 **II. CONCLUSION**

25 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
26 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
27 as the document entitled information and instructions for filing an *in forma pauperis*
28 application.

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1 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
2 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on
3 the correct form with complete financial attachments in compliance with 28 U.S.C. §
4 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
5 fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
7 dismissal of this action may result.

8 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
9 (ECF No. 1-1) but will not file it at this time.

10 IT IS SO ORDERED.

11 DATED: December 30, 2019.

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13 UNITED STATES MAGISTRATE JUDGE